

REMARKS

As an initial matter, Applicants thank the Examiner for withdrawing the previous rejections under 35 U.S.C. § 103(a) based on Applicants' March 29, 2010 response.

Turning to substantive matters, in the Office Action the Examiner rejected Claims 38-55 on the ground of nonstatutory obviousness-type double patenting as follows:

- over the claims of U.S. Patent No. 6,905,708 ("the '708 patent");
- over Claims 1-8 of U.S. Patent No. 6,589,553 ("the '553 patent"); and
- over Claims 1-11 of U.S. Patent No. 7,771,750 ("the '750 patent").

In response, Applicants submit herewith terminal disclaimers over the '708, '553 and '750 patents, along with the appropriate fees. Therefore, Applicants respectfully request removal of these grounds of rejection.

In order to expedite prosecution of this application and speed it to allowance, Applicants are also submitting a terminal disclaimer over co-pending application U.S. Serial No. 12/835,863, along with the appropriate fee.

Based upon the foregoing, Applicants respectfully submit that the rejections of the claims in the above-identified application have been overcome and should be withdrawn. Early and favorable action is earnestly solicited.

Respectfully submitted,

/matthew j. solow/

Matthew J. Solow
Reg. No. 56,878

MAILING ADDRESS:

FLOREK & ENDRES PLLC
1156 Avenue of the Americas
New York, NY 10036
(212) 997-1000